

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper **13**

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MICHAEL R. O'BRIEN, GEORGE W. OFF
and TIMOTHY L. CHERNEY,

DEC 13 2000

Junior Party,
(Application 08/498,654),

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

DAVID W. DEATON and RODNEY G. GABRIEL,

Senior Party
(Application 08/935,116).

Patent Interference No. 104,607

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of O'BRIEN'S RESPONSE TO ORDER MAIL
OCTOBER 18, 2000 (Paper 33), it is

ORDERED that judgment on priority as to Count 1
(Paper 1, page 46), the sole count in the interference, is

awarded against junior party MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY.

FURTHER ORDERED that junior party MICHAEL R. O'BRIEN, GEORGE W. OFF and TIMOTHY L. CHERNEY is not entitled to a patent containing claims 1, 3-6, 8, 10, 13-21, 23-24, 27-35, 37-43 and 45-67 (corresponding to Count 1) of application 08/498,654, filed 3 July 1995.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/498,654 and application 08/935,116.

FURTHER ORDERED that if there is a settlement agreement not already filed with the board, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

McK

FRED E. MCKELVEY, Senior
Administrative Patent Judge)

Richard E. Schaffer
RICHARD E. SCHAFER
Administrative Patent Judge)

Sally C. Medley
SALLY C. MEDLEY
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc (via first class mail):

Attorney for O'Brien
(real party in interest
Catalina Marketing International, Inc.):

Charles L. Gholz, Esq.
Richard A. Neifeld, Esq.
James R. Boler, Esq.
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

Tel: 703-413-3000 (main)
Tel: 703-412-6485 (Gholz direct)
Tel: 703-412-6492 (Neifeld direct)
Tel: 703-412-6262 (Boler direct)
Fax: 703-413-2220
E-mail: cgholz@oblon.com
E-mail: rneifeld@oblon.com
E-mail: jboler@oblon.com

Attorney for Deaton
(real party in interest
Inter*Act Systems):

James J. Maune, Esq.
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-0228

Tel: 212-408-2500 (main)
Tel: 212-408-2566 (direct)
Fax: 212-705-5020
E-mail: james.maune@bakerbotts.com

Jerry W. Mills, Esq.
BAKER BOTTS L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

Tel: 214-953-6500
Tel: 214-953-6665 (direct)
Fax: 214-953-6503
E-mail: jerry.mills@bakerbotts.com

INTERFERENCE DIGEST

Interference No. 104,607

Paper No. 12

Name: David W. Deaton

Serial No.: 08/935,116

Patent No.

Title: CHECK TRANSACTION PROCESSING METHOD AND SYSTEM

Filed: 09/22/97

Interference with O'Brien

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 12/13/00

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.